

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133443/LE/2022

Date registered valid: 5 April 2022

Proposal: Certificate of lawful existing use of Trafford House and Southmoor House as class E(g)i - offices to carry out any operational or administrative functions for a period greater than 10 years

Address: Trafford House And Southmoor House, Southmoor Road, Manchester, M23 9XD

Ward(s): Brooklands Ward

Applicant: Summer Estate Holdings Limited, C/o Agent

Agent (if any): Mr Fraser Dann WSP 3 White Rose Office Park, Leeds, LS11 0DL

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 31.05.2022

Application details

Type of application: Certificate Lawful Development Existing

Development type: Certificates of lawfulness

Date of site visit: 12th April 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site is a series of industrial buildings forming Southmoor Industrial Estate, located to the west of Southmoor Road. To the north of the site lies an active railway line, while to the south are further industrial buildings within the Roundthorn Industrial Estate.

Trafford House and Southmoor House are located to the Southmoor Road side of the site and form distinctive buildings detached from those situated to the rear and west of larger scale warehousing type of buildings.

Description of development

The applicant is seeking confirmation from the Council as local planning authority that the two buildings identified have been used as office buildings for a period of in excess of 10 years up to the date of the submission of the certificate application and that this is there lawful use.

Evidence submitted:

Statutory declaration from manager of the properties and wider industrial estate since 2017 and previous knowledge of the use of the properties

Live Valuation Report (2005)

Property Report (back to 2005);

Various leases signed for the two buildings in 2014,2015 and 2016

Lease documentation at the point of acquisition in 2017

Marketing Material including:

Southmoor Industrial Estate Investment Particulars (Stewart Montrose - 2017); and Trafford House Marketing Brochure (2019).

There is limited recent planning history for the buildings subject of this certificate application, the majority of planning history relates to the large warehousing unit to the rear which was subject to changes of use from B2 to B8 in 2003 and more recent applications for elevational alterations. An online article has been located dated 2011 and relates to a previous owner of the site, it refers to the Southmoor House as being in use as an office block.

Given the layout of these two buildings to the front of the site, that they are detached from the larger scale warehouse buildings to the rear and there more landscaped setting it is considered that in the absence of evidence to the contrary that they have been utilised for office use. Historic photos from 1971 are also inconclusive in terms of evidence to suggest that the buildings were not in use as office space supporting the functions of the more industrial buildings on the site.

There are building control records for Southmoor and Trafford House dating from 1990, 1998, 1999 and 2002 which refer to refurbishment to offices at the address references FP/90/04601, FP/98/27808, FP/98/28686, FP/98/29114, I/IN/99/00229 and FP/02/38804. There are more recent records in 2020 and 2022 related to works being undertaken by the current owner of the building.

Consultations & Notification Responses

No consultations undertaken for this type of application.

Issues

On 21 July 2020, Statutory Instrument 2020 No. 757 was laid before parliament by the Government. It comprises a number of changes to the Town and Country Planning (Use Classes) Order 1987 (the "Use Classes Order"). The changes outlined within the Statutory Instrument became effective on 1 September 2020.

Statutory Instrument 2020 No. 757 introduced amendments to the Use Classes Order which sought to simplify the classification of commercial uses. The effect of the new legislation is to revoke Use Classes A, B1 and D and replace these classes with a new, single classification covering 'Commercial, business and service' uses (Class E).

Based upon the evidence supplied by the applicant together with records held by the City Council as local planning authority and in absence of any contradictory evidence that makes the applicants version of event less than probable it is considered that a positive certificate can be issued in this instance.

The existing use of the floorspace at the site is for Office use Class E (g)i (formerly Class B1). The use classification of this operation now falls within Class E of the Use Classes Order. It therefore follows that the existing lawful use of Southmoor House and Trafford House is for operation within Class E (g)i of the Use Classes Order '.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have

made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) From the evidence available and the planning law applicable to the buildings known as Trafford House and Southmoor House (as identified on the site location plan drawing), Manchester City Council is satisfied that in relation to the properties referred to in the Second Schedule hereto, the use described in the First Schedule is lawful by reason of the building within, which the property is located having been used as an office building, having been in existence for a period of at least 10 years up to the date of this application and that the property has been used for no other purpose in accordance with the evidence and information provided in the submitted supporting information received by the City Council as the Local Planning Authority.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Article 4 Direction - Wythenshawe PD Restriction - Class B1(a) To C3

Article 4 Direction - Wythenshawe PD Restriction - Class B1(c) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 45M

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH